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REMARKS

I. Claim Rejections – 35 USC § 102

In the Office Action of August 31, 2005, claim 84 was rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hall et al. (6,652,517). Applicants have responded that claim 84 had previously been amended to include the limitation to retracting the shaping device before pressing the ablation section against tissue surrounding a pulmonary vein and that claim 84 as previously amended was rejected as being without support in the specification. Further, Applicants noted that the office action stated that if claim 84 was amended to delete the “retracting” limitation, the previous rejection for anticipation was again applicable.

Applicants further noted that, as presently amended, claim 84 specifies that the distal portion is more flexible than the proximal portion such that the distal portion more easily deflects relative to the proximal portion, and further that Hall fails to teach or suggest such a feature. Instead, Hall discloses a cardiac ablation apparatus for producing a circumferential ablation, which is described as being a catheter. At a distal end of the catheter is an expandable ablation element having a preformed stylet embedded therein. The catheter slides over a centering catheter, which in turn slides over a guide wire. The catheter as illustrated has a unitary shaft.

Figure 1 of Hall was characterized as showing a basic ablation catheter system and would inherently perform the method. However, having only a unitary catheter shaft, Hall fails to disclose a catheter body having distinct proximal, intermediate, and distal portions.

Accordingly, Applicants have argued that Hall cannot anticipate nor render obvious the subject matter of claims 84-86.

In the office action of January 4, 2006, the contention is made that the prior response failed to detail where support is found in the pending application for the amendments made to claim 84. Applicants direct attention to page 16, line 18, through page 17, line 5, as providing support for the added limitation.

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II. Claim Rejections – 35 USC § 103

In the office action of August 31, 2005, claims 66-73 and 75-83 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (6,652,517) in view of Phan et al. (6,529,756). Claim 74 was also rejected under 35 U.S.C. 103(a) as being unpatentable over Hall in view of Phan as applied to claim 71, further in view of Jaraczewski (5,938,694).

In those rejections, Hall is relied upon as disclosing the basic ablation catheter system. The indication is that the feature absent from Hall is a porous wall providing conductive fluid to the exterior surface of the ablation section. However, claim 66 is not so limited.

In response to Applicants' argument that Hall fails to disclose a catheter body (i.e., shaft) having distinct proximal, intermediate, and distal portions, the office action simply stated that in view of the mere mention of a distal end portion 52 the Hall device inherently includes proximal and intermediate portions. Applicants respectfully disagreed and argued that there is an inadequate basis to conclude the identity of three sections in Hall. But, nevertheless, by the response submitted, claim 66 had been amended to specify that the distal portion is more flexible than the proximal portion such that the distal portion more easily deflects relative to the proximal portion. Nowhere does Hall mention or suggest such a feature. Moreover, there is no basis to conclude that such structure is inherent in Hall.

Furthermore, amended claim 66 specifies a second lumen extending through a proximal portion of a catheter body and an intermediate portion of the catheter body and terminating at a closed end distal to the ablation section. The office action references a stylet 57. As seen in Fig. 4, stylet 57 is formed within the body of the catheter. There is no second lumen as required by claim 66. Thus, the second lumen feature is also absent in Hall.

Based upon the foregoing, Hall cannot provide the base reference with which to combine Phan to result in a viable obviousness rejection. The

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combination of Hall and Phan fails to result in a structure having all the features set forth in amended claim 66. It follows, of course, that the rejections of the dependent claims, which also rely upon Hall, are similarly in error.

III. Conclusion

The reliance upon Hall in the stated rejections is without basis. Accordingly, each of the rejections should be withdrawn. Applicants further submit that the claims are in proper form and condition for allowance.

Moreover, Applicants submit that the present Amendment provides a supplemental response that is fully responsive to the office action of August 31, 2005.

Respectfully submitted,

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Date



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